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April 29, 2020

The Honorable Judge Denis R. Hurley  
United States District Court  
Long Island Courthouse  
100 Federal Plaza  
Central Islip, NY 11722

***Re: 2:19-cv-04337-DRH-SIL Plaintiff's Third Letter Motion for Extension of Time  
within Which to Effectuate Service on John Doe Defendant***

Dear Judge Hurley:

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, move for entry of an order extending the time within which Plaintiff has to serve the John Doe Defendant with a Summons and Complaint, and states:

1. Plaintiff commenced this action against the internet subscriber assigned IP 69.124.215.14 ("Defendant") on July 28, 2019, at which time it filed a complaint alleging that Defendant copied and distributed one or more of Plaintiff's copyrighted works, all without Plaintiff's consent. *See* CM/ECF 1. Plaintiff asserted a claim for direct copyright infringement, and requested that Defendant delete and permanently remove, and be enjoined from continuing to infringe, Plaintiff's copyrighted works. *See id.*

2. On October 25, 2019, Plaintiff was granted leave to serve a third-party subpoena

on Defendant's ISP, Altice, to obtain the Defendant's identifying information [CM/ECF 9]. Plaintiff issued the subpoena on October 26, 2019 and received the ISP's response on or about March 9, 2020.

3. Upon receipt of the subscriber's identifying information, Plaintiff conducted a thorough investigation and determined that a good faith basis exists to name the subscriber as the defendant infringer.

4. Pursuant to the Court's Protective Order, Plaintiff is barred from disclosing Defendant's name in any filing. As such, prior to amending the Complaint, Plaintiff filed its Motion for Permission to File Amended Complaint and Proposed Summons Under Seal [CM/ECF 11]. On March 31, 2020, this Court granted Plaintiff's Motion Seeking Leave to File the Amended Complaint and Summons Under Seal.

5. Accordingly, Plaintiff filed its Sealed Amended Complaint [CM/ECF 12] and requested that the Clerk issue a summons as to the Defendant. The summons was issued on April 6, 2020.

6. However, due to the recent restrictions placed by health department and city officials due to COVID-19 virus, our process servers have suspended all attempts to serve Defendants. Therefore, at this time, Plaintiff respectfully request this Honorable Court extend the deadlines to effectuate service until at least thirty days (30) after May 1, 2020.

7. Pursuant to this Court's Order on Plaintiff's Second Motion for Extension of Time Within Which It Has to Effectuate Service on John Doe Defendant dated January 2, 2020, Plaintiff was required to effectuate service on the Defendant no later than April 24, 2020.

8. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until at least thirty

(30) days, or until May 31, 2020. The additional time will allow Plaintiff's process server time to adhere to the quarantine guidelines placed by local officials.

9. This motion is made in good faith and not for the purpose of undue delay.

10. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until May 31, 2020. A proposed order is attached for the Court's convenience.

Dated: April 29, 2020

Respectfully submitted,

By: /s/ Kevin T. Conway  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on April 29, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Kevin T. Conway